

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
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E.O. 11652: N/A
TAGS: SHUM, RP
SUBJECT: ADDITIONAL MILITARY TRIBUNALS ESTABLISHED TO
- SPEED DISPOSITION OF PENDING CASES

REF: MANILA 2074

1. SUMMARY: THE ARMED FORCES HAS SET UP THREE MORE MILITARY TRIBUNALS, BRINGING TO TEN THE NUMBER OF FULL-TIME TRIBUNALS HEARING NATIONAL SECURITY CASES. THEY REPLACE THE 22 PART-TIME TRIBUNALS CURRENTLY BEING PHASED OUT. THE NEW TRIBUNALS ARE BEING ESTABLISHED TO SPEED DISPOSITION OF PENDING CASES. THIS ACTION APPEARS TO RELATE TO MARCOS' JUNE 12 STATEMENT THAT ALL MILITARY TRIBUNALS WILL BE PHASED OUT IN FAVOR OF CIVILIAN COURTS. END SUMMARY.

2. THREE ADDITIONAL MILITARY COMMISSIONS HAVE BEEN ESTABLISHED TO "HASTEN THE DISPOSITION OF MILITARY TRIBUNAL CASES," ACCORDING TO MANILA PRESS REPORTS JUNE 15. THIS BRINGS TO TEN THE NUMBER OF FULL-TIME MILITARY COMMISSIONS ESTABLISHED THIS YEAR TO REPLACE THE ORIGINAL 22 PART-TIME MILITARY COMMISSIONS SET UP AT THE OUTSET OF MARTIAL LAW TO TRY NATIONAL SECURITY CASES.

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3. DEPARTMENT WILL RECALL THAT IN MID-JANUARY 1978 THE GOP ANNOUNCED THAT TEN NEW TRIBUNALS WERE TO BE ESTABLISHED; SEVEN WERE FORMED AT THAT TIME. THE TEN NEW TRIBUNALS WERE TO TAKE OVER ALL NEW CASES FALLING UNDER MILITARY JURISDICTION. THE 22 OLD TRIBUNALS WERE TO FINISH THE CASES ALREADY ASSIGNED TO THEM AND THEN

DISBAND. IN EARLY FEBRUARY (REFTEL) DEFENSE SECRETARY ENRILE GAVE THE OLD TRIBUNALS THONTHS TO FINISH THEIR WORK; ONLY A FEW HAVE ACTUALLY DONE SO.

4. THE ANNOUNCEMENT IS JUXTAPOSED WITH PRIME MINISTER MARCOS' JUNE 12 ADDRESS TO THE NEW INTERIM LEGISLATURE. IN THE OFFICIAL TEXT OF HIS SPEECH, MARCOS ANNOUNCED THAT "...IN RECOGNITION OF THE NEW VITALITY OF THE CIVILIAN COURTS, THE MILITARY TRIBUNALS WILL NOW BE PHASED OUT. NO NEW CASES WILL BE ASSIGNED TO ITS CHARGE, AND THE WORK OF THE TRIBUNALS WILL CEASE UPON DISPOSAL OF THE CASES NOW WITHIN THEIR AREA OF JURISDICTION."

5. ACCORDING TO THE JUNE 15 PRESS RELEASE, THE TEN TRIBUNALS HAVE JURISDICTION OVER THE FOLLOWING OFFENSES: "SUBVERSION; REBELLION; ESPIONAGE; ILLEGAL POSSESSION OF FIREARMS AND EXPLOSIVES WHICH WILL BE USED IN THE COMMISSION OF A CRIME SUCH AS MURDER AND ROBBERY IN BAND; UNSURPATION OF MILITARY AUTHORITY, TITLES, RANKS OR ILLEGAL USE OF MILITARY UNIFORMS AND INSIGNIA; OFFENSES COMMITTED BY MILITARY PERSONNEL WHILE IN THE PERFORMANCE OF THEIR DUTY; AND DISTRIBUTION OF SUBVERSIVE MATERIALS AND CRIMES WHICH UNDERMINE THE SECURITY OF THE STATE." MURPHY

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